

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

KENNY HALFACRE
ADC #84410

PLAINTIFF

v.

NO. 5:06CV00197 JLH

DAVID CRUSETURNER *et al.*

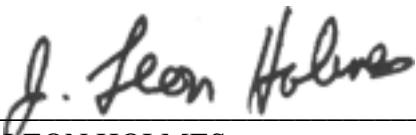
DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young and the objections filed. After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted as this Court's findings, with one exception. At page 5, the Proposed Findings and Recommended Disposition state that W.H. Ashcraft testified that he was unaware that Kenny Halfacre had any involvement in the EEOC complaint, so Cruseturner and May's testimony that they had no such knowledge seems very reliable. Ashcraft testified that he was not aware that Halfacre was helping him with his EEOC claim. When he testified at the supplemental evidentiary hearing, no one asked him whether Halfacre had provided a statement that he used in his EEOC submission, so the Court cannot find that Ashcraft denied that Halfacre provided a statement that was used in his EEOC complaint nor can the Court find that Cruseturner and May were necessarily unaware of any such statement. Even so, Halfacre has failed to prove by a preponderance of the evidence that any of the defendants took action adverse to him in retaliation for his providing a statement in support of Ashcraft's EEOC claim.

IT IS THEREFORE ORDERED THAT Plaintiff's complaint is DISMISSED WITH PREJUDICE.

DATED this 10th day of October, 2007.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE